

Phasing out Waste Acceptance Derogations at Landfill Sites for Hazardous Waste

Consultation Document

February 2014

Purpose of this consultation

We're asking for your views on our proposed plan to remove 3 x WAC derogations from permits for landfill sites for hazardous waste. We are also gathering information about the production and management of air pollution control residues.

Operators of eight landfill sites for hazardous waste in England hold permits that allow them to accept certain wastes that cannot comply with Waste Acceptance Criteria (WAC) leaching limits specified in the Landfill Directive. These '3 x WAC derogations' allowed landfill disposal of these wastes while treatment or better disposal routes were developed. We think that we are approaching the point where many of these derogations are no longer necessary and would like your views on our plans to phase them out.

Government's 2010 hazardous waste strategy indicated that reliance on these derogations must end and our intention to remove the derogations from landfill permits has been clear for some time. The Environmental Services Association (ESA)¹ supports this objective. In a plan shared with Defra and the ESA last year, we said we would develop a programme to phase these derogations out, in conjunction with other parties.

Our proposal to remove these derogations from landfill permits over the next 2 years is set out below. While producers of air pollution control residues (APCr) and treated APCr, for example operators of waste incinerators, will be particularly affected, this change may impact upon other businesses. We want to ensure that all have an opportunity to express their views.

If we are considering a change to the way we deliver regulation which may have a significant financial impact on business, the Government's [Accountability for Regulator Impact](#) initiative requires us to undertake a formal Business Engagement Assessment and consult the affected business sectors. We are using this consultation to seek your views on the potential financial impacts of reducing the reliance on waste acceptance derogations for hazardous waste and the significance of these impacts.

Proposals for removing existing derogations

Changes in early 2014

¹The ESA is a major trade association representing the UK waste and resource management industry.

Last year we reviewed the use of 3 x WAC derogations. This review showed that operators do not use the majority of them. We will remove those derogations that operators no longer require during our permit review programme, which began last month. We aim to complete these variations in early 2014. We will ensure that, for these eight sites, they take effect on the same day. The variations will remove the operator's ability to accept the wastes with the following [List of Waste](#) codes above WAC limits:

05 01 03*, 05 01 09*, 08 01 11*, 10 01 18*, 11 01 09*, 13 05 03*, 16 07 08*, 16 08 07*, 17 05 03*, 17 09 03*, 19 01 13*, 19 01 15*, 19 03 06*, 19 04 02*, 19 11 05*, 19 12 11*

Proposals for late 2015

We accept that a small number of wastes still need to go to landfill under derogations while additional recovery and disposal options are developed. Approximately 100,000 tonnes of waste are disposed of at landfills each year under these derogations, principally Air Pollution Control residues (APCr) and treated APCr. This waste stream is growing.

The 2014 permit variations will include an expiry date in the revised waste acceptance permit condition. This will have the effect of removing all remaining 3 x WAC derogations from landfill permits in December 2015. The derogations that will end at this time are for the following List of Waste codes:

10 13 12*, 19 01 07*, 19 01 11*, 19 02 04*, 19 02 05*, 19 03 04*

Proposals for handling new derogations

We expect there to be very few waste streams for which landfill is the only disposal option, and which cannot meet WAC limits. We will only consider new 3 x WAC derogations in exceptional circumstances, where applicants can demonstrate that no alternative treatment or disposal options exist and that landfill disposal is the best environmental option.

Air pollution control residues (APCr)

Air pollution control residues tend to be produced by efficient emission control systems delivering a high level of environmental protection at incinerators and similar plant. We are working with industry sectors with the aim of recovering and reusing all solid wastes from these plants.

We want to develop a Best Overall Environmental Outcome (BOEO) approach to the management of these wastes in parallel to reducing reliance on derogations. We expect disposal of these wastes to reduce as industry develops new treatment technologies, allowing recovery of these wastes. Beyond 2015, disposal routes could include disposal at landfills for non-hazardous waste following authorised treatment (if waste is non-hazardous), disposal at landfills for hazardous waste (where waste is hazardous and WAC limits are met) and underground storage.

In order to understand the impact of these proposals on producers and managers of this waste stream, our consultation includes questions that seek to gather information from these groups. The requested information on the production, handling, recovery and disposal of APCr will help us determine the best approach to its management.

How we will use your responses

customer service line
03708 506 506

incident hotline
0800 80 70 60

floodline
0845 988 1188

www.environment-agency.gov.uk

As part of our ongoing programme of landfill permit reviews we will remove derogations that are not required from landfill permits in early 2014. We will also set an 'expiry date' of 31 December 2015 for the remaining derogations.

We will use the consultation responses to assess the impact of our proposals and to finalise our Business Engagement Assessment. The responses will also help us gather relevant information about the management of air pollution control residues (APCr) throughout 2014. We will decide if there is a need for derogations beyond December 2015 and can make further changes to landfill permits if required.

We will publish the results of this consultation before the end of July 2014, but will not publish responses that are provided in confidence.

Key dates

The consultation opens on 14 February 2014 and closes on 18 April 2014.

How to respond

You can view the consultation documents and consultation questions online at <https://consult.environment-agency.gov.uk/portal/>. Here you can submit your response using our online tool which will enable you to manage your comments more effectively. It will also help us to gather and summarise responses quickly and accurately as well as drive down the costs of the consultation for the taxpayer.

But if you'd prefer to submit your response by email or letter, or if you'd like to ask for a printed version of the document to be posted to you, please contact Max Folkett on 0113 819 6352, or email max.folkett@environment-agency.gov.uk.

If you would like to send your response by post, please send your completed response form to:

Max Folkett

Environment Agency

Lateral

Leeds

LS11 9AT

Summary of questions

Section 1. General questions on this proposal

Section 2. Questions for current and future producers of APCr

Section 3. Questions for current and future APCr treatment plant operators

Section 4. Questions for current and future APCr disposal site operators

Full questions are provided in a separate response form.

How we will use your information

Throughout the consultation the Environment Agency will look to make all comments (excluding personal information) publicly available on the Environment Agency website. This includes comments received online, by email, post and by fax, unless you have specifically requested that we keep your response confidential. We will not publish on our website names of individuals who respond, but we will publish the names of any organisations for which a response has been made.

If you respond online or provide us with an email address, we will acknowledge your response. After the consultation has closed a summary of the responses will be published on our website. We will contact you to let you know when this is available. We will also notify you of any forthcoming consultations unless you tell us otherwise.

In accordance with the Freedom of Information Act 2000, we may be required to publish your response to this consultation, but will not include any personal information. If you have requested your response to be kept confidential, we may still be required to provide a summary of it

Consultation Principles

We are running this consultation in accordance with the criteria set out in the government's Consultation Principles.

If you have any queries or complaints about the way this consultation has been carried out, please contact:

Monica Maya
Consultation Co-ordinator
Environment Agency
Horizon House
Deanery Road
Bristol BS1 5AH

Email: monica.maya@environment-agency.gov.uk